

CHAPTER 19

CONTINUING CARE RETIREMENT COMMUNITY RULES

Authority

N.J.S.A. 52:27D-358.

Source and Effective Date

R.2009 d.1, effective November 20, 2008.
See: 40 N.J.R. 6(a), 41 N.J.R. 127(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 19, Continuing Care Retirement Community Rules, expires on November 20, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 19, Rules of Practice of Bureau of Housing Inspection, was adopted as R.1971 d.94, effective June 18, 1971. See: 3 N.J.R. 75(b), 3 N.J.R. 129(b).

Chapter 19, Rules of Practice of Bureau of Housing Inspection, was repealed by R.1989 d.205, on May 8, 1980, effective June 1, 1980. See: 12 N.J.R. 305(a).

Chapter 19, Continuing Care Retirement Community Rules, was adopted as new rules by R.1988 d.60, effective February 1, 1988. See: 19 N.J.R. 597(a), 20 N.J.R. 256(b).

Subchapter 8, Nonbinding Reservation Agreements, was adopted as R.1988 d.190, effective May 2, 1988. See: 20 N.J.R. 347(a), 20 N.J.R. 976(a).

Pursuant to Executive Order No. 66(1978), Chapter 19, Continuing Care Retirement Community Rules, was readopted as R.1993 d.79, effective January 15, 1993. See: 24 N.J.R. 1146(a), 25 N.J.R. 686(b).

Pursuant to Executive Order No. 66(1978), Chapter 19, Continuing Care Retirement Community Rules, was readopted as R.1998 d.59, effective December 22, 1997. See: 29 N.J.R. 3761(a), 30 N.J.R. 335(a).

Chapter 19, Continuing Care Retirement Community Rules, was re-adopted as R.2003 d.282, effective June 17, 2003. See: 34 N.J.R. 3413(a), 35 N.J.R. 3297(b).

Chapter 19, Continuing Care Retirement Community Rules, was re-adopted as R.2009 d.1, effective November 20, 2008. See: Source and Effective Date.

Subchapter 9, Notice of Rights, Subchapter 10, Cancellation of Continuing Care Agreement, Subchapter 11, Transfer of Residents, and Subchapter 12, Notices, were adopted as new rules; and former Subchapter 9, Administration, was recodified to Subchapter 13 by R.2015 d.047, effective April 6, 2015. See: 46 N.J.R. 2227(a), 47 N.J.R. 710(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

5:19-1.1 Purpose

The Continuing Care Retirement Community Regulation and Financial Disclosure Act (P.L. 1986, c. 103, N.J.S.A. 52:27D-330 et seq.) became effective March 2, 1987. The Bill of Rights for Continuing Care Retirement Community Residents in Independent Living Act (P.L. 2013, c. 167, N.J.S.A. 52:27D-360.1 et al.) became effective on May 1, 2014. The rules contained in this chapter are intended to enable the Department of Community Affairs to implement the Act and to enable affected providers to more easily and more fully comply with the requirements of the Act. These rules are intended to supplement and not to supersede any applicable regulations enforced by the New Jersey Department of Health, the New Jersey Department of Human Services, the Office of the Ombudsman for the Institutionalized Elderly, or by other State or Federal agencies having jurisdiction.

Amended by R.2015 d.047, effective April 6, 2015.
See: 46 N.J.R. 2227(a), 47 N.J.R. 710(a).
Rewrote the section.

5:19-1.2 Affirmative determination

(a) The Department shall issue a certificate of authority upon its affirmative determination that all of the following requirements have been met:

1. The provider can fulfill its obligations under the continuing care agreement if the resident complies with the terms of the offer;
2. There is reasonable assurance that all proposed improvements can be completed as represented;

3. The provider, its officers and/or principals have not been convicted of a crime in this State, the United States, or any other state or foreign country within the past 10 years, the seriousness of which, in the opinion of the Department, warrants the denial of certification;

4. The provider, its officers and/or principals have not been subject to any permanent injunction or final administrative order restraining a false or misleading plan involving a facility disposition, the seriousness of which, in the opinion of the Department, warrants the denial of certification; and

5. The disclosure statement requirements have been satisfied.

5:19-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the Continuing Care Retirement Community Regulation and Financial Disclosure Act (P.L. 1986, c. 103; N.J.S.A. 52:27D-330 et seq.), and the Bill of Rights for Continuing Care Retirement Community Residents in Independent Living Act (P.L. 2013, c. 167; N.J.S.A. 52:27D-360.1 et al.), together with any amendatory or supplementary acts.

“Advertising” means and includes the publication or causing to be published of any information offering for disposition or for the purpose of causing or inducing any other person to enter into a continuing care agreement in a continuing care retirement community, including the continuing care agreement to be used and any photographs or drawings or artist’s representation of physical conditions or facilities on the property existing or to exist by means of any:

1. Newspaper or periodical;
2. Radio or television broadcast;
3. Written, printed or photographic matter;
4. Billboards or signs;
5. Display of model facilities or units;
6. Material used in connection with the disposition or offer of the facility by radio, television, telephone or any other electronic means; or
7. Material used by provider or their agents to induce prospective residents to visit the facility, particularly gift certificates which require the holders of such certificates to attend or submit to a sales presentation by providers or their agents.

The term “advertising” does not include stockholder communications, such as annual reports, interim financial reports, proxy materials, certification statements, securities prospectuses, applications for listing securities on stock exchanges, and the like, and any and all communications addressed and relating to the account of any person who has previously executed a continuing care agreement.